IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 891 of 2004

Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/09/2001 in WVMP No.1205 of 2001 in WPMP No.9175 of 2000 in WP NO : 6949 OF 2000 on the file of the High Court.

Between:
1 The Superintending Engineer, Tribal Welfare, Sector VIII, MPV Colony, Visakhapatnam.
2 The Executive Engineer, Tribal Welfare, Paderu, Visakhapatnam.
3 The Deputy Executive Engineer, Tribal Welfare Araku Sub-Division, Visakhapatnam District.

..... APPELLANTS

AND

1 Sri Bandaru Demulu, s/o B.Demudu, c/o P.Kannam Naidu, D.No.39-18-33/1, Near Kunchamanba Temple, Mahdavadhara, Visakhapatnam District.
2 Industrial Tribunal cum Labour Court, Visakhapatnam District rep., by its Presiding Officer.

.....RESPONDENTS

For the Appellant :GP FOR SOCIAL WELFARE

For the Respondent No.1 : MR.G.RAMA GOPAL

The Court Made the Following :

THE HON'BLE MR. JUSTICE G. BIKSHAPATHY
AND

THE HON'BLE MR. JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO. 891 OF 2004

ORAL ORDER : (per G.B., J.,)

This Writ Appeal is filed against the order passed by the learned single Judge in W.V.M.P.No.1205 of 2001 in W.P.M.P.No.9175 of 2000 in W.P.No.6959 of 2000.

2. The 1st respondent herein was removed from service. Thereafter he raised industrial dispute in I.D.No.101 of 1997, dated 8-9-1999 before the Industrial Tribunal-cum-Labour Court, Visakhapatnam District under Section 2A(2) of the Industrial Disputes Act, 1947. The learned Tribunal after considering the matter, set aside the order of removal and directed to reinstatement of the employee with continuity of service but without back wages. Aggrieved by the said order, the department filed Writ Petition before this Court. The learned single Judge while admitting the Writ Petition, granted interim stay on conditioning the petitioner shall compliance the provisions under Section 17 (b) of the Industrial Disputes Act. But, however, since the department failed to comply with the directions of the Tribunal, the stay was vacated on 7-9-2001. Against the said order, the present Writ Appeal has been filed by the department.

3. The learned Government Pleader for Social Welfare submits that the order of the learned single Judge is wholly illegal and contrary to law. He submits that the Social Welfare Department does not fall within the definition of Industrial Dispute Acts and therefore, the question of raising industrial disputes under provisions of Industrial Disputes Act does not arise.

4. We find that the matter is yet to be decided by the learned single Judge. But however, we find that even though the stay was granted by the learned single Judge under Section 17(b) of the Industrial Disputes Act, the department has not chosen to implement the same. Therefore, the interim direction was vacated. Under the circumstances the employee must deemed to have been reinstated into service from the date when the award of the Tribunal became enforceable that is within 30 days from the date of publication. It is also brought to the notice of this Court that the award was published on 3-12-1999 and it became

enforceable from 2-1-2000. Under these circumstances, the appellants-department shall deposit the back wages from 2-1-2000 till the date of the reinstatement of the employee before the Labour Court to the credit of I.D.No.101 of 1997,within a period of six weeks from the date of receipt of copy of this order and on such deposit the respondent workman is entitled to withdraw the same without furnishing any security. Post the Writ Petition for final hearing before the learned single Judge, only after depositing of the amounts before the Labour Court.

5. Accordingly, the Writ Appeal is dismissed. No costs.

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G.BIKSHAPATHY,J

22nd June, 2004.

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B.SESHASAYANA REDDY,J

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Copy to:

1. Industrial Tribunal cum Labour Court, Visakhapatnam District rep., by its Presiding Officer.
2. Two C.Cs to the Government Pleader for Labour, High Court buildings, High Court of A.P., Hyderabad (O.U.T).
3. Two C.D.Copies.
4. Section Officer, Posting Section.